

14-185 MATA V. HOLDER

DECISION BELOW: 558 Fed.Appx. 366

LOWER COURT CASE NUMBER: 13-60253

QUESTION PRESENTED:

Given that the First, Second, Third, Fourth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Federal Circuit Courts of Appeals have conclusively and affirmatively held that they have jurisdiction over denials by the Board of Immigration Appeals of requests to equitably toll motions to reopen, the question presented is:

Whether the Fifth Circuit Court of Appeals erred in this case in holding that it has no jurisdiction to review Petitioner's request that the Board equitably toll the 90-day deadline on his motion to reopen as a result of ineffective assistance of counsel under 8 C.F.R. § 1003.2(c) (2).

CERT. GRANTED 1/16/2015